



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/181,568	10/29/1998	STEVEN B KAUFMAN	KAUFMAN13	1057

7590

11/22/2005

FARKAS & MANELLI
7TH FLOOR
2000 M STREET N W
WASHINGTON, DC 200363307

EXAMINER

GAUTHIER, GERALD

ART UNIT	PAPER NUMBER
----------	--------------

2645

DATE MAILED: 11/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.	Applicant(s)	
09/181,568	KAUFMAN, STEVEN B	
Examiner	Art Unit	
Gerald Gauthier	2645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-9,19,20,22-30 and 32-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-9,19,20,22-30 and 32-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. **Claim(s) 1, 3, 5-9, 19, 20, 22-28, 30 and 32-37** are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoffman et al. (US 5,390,237) in view of Brohoff (US 6,108,533).

Regarding **claim(s) 1**, Hoffman discloses a server adapted to provide highly localized broadcast information relevant to a plurality of localities (FIG. 1 and column 1, lines 6-12), the server comprising:

a processor within the server (column 5, lines 21-37) [The local interface unit 2 is the processor for the local data source 1 server];

a call related information and pre-stored broadcast information stream relevant to a locality lookup table within the server accessible by the processor and associating call related information entries with respective pre-stored broadcast information streams relevant to a locality (column 6, lines 4-14) [The local interface unit 2 access the lookup table of the local data source 1 to associate the call information with the audio signal from the National Oceanic and Atmospheric Administration Weather Radio Broadcast to the telephone circuit for transmission to the calling party];

a plurality of pre-stored broadcast information streams of current news relevant to a locality (column 4, lines 10-34) [The local interface unit 2 couples audio signals from the NOAA Weather Radio broadcast onto the tip/ring conductors of a telephone line]; and

wherein the processor is adapted to automatically identify a specific one of the plurality of pre-stored broadcast information streams (column 7, lines 9-35) [The central interface unit 4 answers the call and transmits a recorded message with instructions to the caller to enter an area code for the location desired to be able to listing the broadcast on the location desired and the audio stream is located based on the area

code enters by the caller and deliver to the caller by the local unit interface 2 among the multiples audio signal on the local data source 1].

Hoffman discloses providing weather information to caller via a telephone network but fails to disclose downloading the information based only on caller information relevant to the caller's locality.

However, Brohoff teaches based only on call related information received with respect to an incoming call, allow downloading to a caller of a real time audible representation of the one of the plurality of pre-stored broadcast information streams relevant to the locality (FIG. 7, column 4, lines 50-60 and column 7, line 50 to column 8, line 12).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Hoffman using the geographic database server as taught by Brohoff.

The modification of the invention capable of downloading the information based only on caller information relevant to the caller's locality such as the user would find the nearest restaurant in the geographical area.

Regarding **claim(s) 3**, Hoffman discloses a telephone line interface in communication with the processor (column 4, lines 35-53).

Regarding **claim(s) 5**, Hoffman discloses an audio player adapted to play the specific one of the plurality of stored broadcast information streams relevant to a locality through the telephone line interface (column 7, lines 9-35).

Regarding **claim(s) 6**, Hoffman discloses the call related information is at least a portion of a telephone number (column 7, lines 9-35).

Regarding **claim(s) 7 and 22**, Hoffman discloses the portion of the telephone number includes an area code (column 7, lines 9-35).

Regarding **claim(s) 8 and 23**, Hoffman discloses the portion of the telephone number includes an exchange number (column 7, lines 9-35).

Regarding **claim(s) 9 and 25**, Hoffman discloses the portion of the telephone number includes an area code and an exchange number (column 7, lines 9-35).

Regarding **claim(s) 19 and 30**, Hoffman discloses a method of selecting a pre-stored broadcast information stream relevant to a locality (FIG. 1 and column 1, lines 6-12), comprising:

receiving call related information relating to a calling party by a server (column 5, lines 21-37) [The local interface unit 2 receives the call related information of the calling party];

automatically determining, by a server, a desired one of a plurality of pre-stored broadcast information streams of current news relevant to a locality based only the call related information (column 7, lines 9-35) [The central interface unit 4 answers the call and transmits a recorded message with instructions to the caller to enter an area code for the location desired to be able to listing the broadcast on the location desired]; and

downloading a real-time audible representation of the desired one of the plurality of pre-stored broadcast information streams relevant to a locality to the calling party (column 7, lines 9-35) [The central interface unit 4 answers the call and transmits a recorded message with instructions to the caller to enter an area code for the location desired to be able to listing the broadcast and the audio stream is located based on the area code enters by the caller and delivers to the caller by the local unit interface 2 among the multiples audio signal on the local data source 1].

Hoffman discloses providing weather information to caller via a telephone network but fails to disclose downloading the information based only on caller information relevant to the caller's locality by a server.

However, Brohoff teaches based only on call related information received with respect to an incoming call, allow downloading to a caller of a real time audible representation of the one of the plurality of pre-stored broadcast information streams relevant to the locality by a server (FIG. 7, column 4, lines 50-60 and column 7, line 50 to column 8, line 12).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Hoffman using the geographic database server as taught by Brohoff.

The modification of the invention capable of downloading the information based only on caller information relevant to the caller's locality such as the user would find the nearest restaurant in the geographical area.

Regarding **claim(s) 20**, Hoffman discloses the steps of receiving, determining, and downloading, are performed without intervention by a user (column 7, lines 9-35).

Regarding **claim(s) 24**, Hoffman discloses the call related information is Caller ID information (column 7, lines 9-35).

Regarding **claim(s) 26**, Hoffman discloses the step of determining is performed using a look up table (column 7, lines 9-35).

Regarding **claim(s) 27**, Hoffman discloses audibly playing the desired one of the plurality of broadcast information streams relevant to a locality (column 7, lines 9-35).

Regarding **claim(s) 28**, Hoffman discloses digitally transmitting over a telephone line the desired one of the plurality of broadcast information streams relevant to a locality (column 7, lines 9-35).

Regarding **claim(s) 32-34**, Hoffman discloses the broadcast information stream relevant to a locality includes weather forecast information (column 7, lines 9-35).

Regarding **claim(s) 35-37**, Hoffman teaches the broadcast information is weather forecast information (column 7, lines 9-35).

5. **Claim(s) 4** is rejected under 35 U.S.C. 103(a) as being unpatentable over Hoffman in view of Brohoff as applied to **claim(s) 1** above, and further in view of Reilly et al. (US 5,740,549).

Regarding **claim(s) 4**, Hoffman in combination with Brohoff as applied to **claim(s) 1** differ from **claim(s) 4** in that it fails to disclose a modem in communication with the processor.

However, Reilly teaches a modem in communication with the processor (column 4, lines 23-38).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Hoffman using the modem in communication with the processor as taught by Reilly.

This modification of the invention would offer the capability of a modem in communication with the processor such as the information server would update a database of information items.

6. **Claim(s) 29** is rejected under 35 U.S.C. 103(a) as being unpatentable over Hoffman in view of Brohoff as applied to **claim(s) 19** above, and further in view of Fellingham et al. (US 6,442,244).

Regarding **claim(s) 29**, Hoffman in combination with Brohoff as applied to **claim(s) 19** differ from **claim(s) 29** in that it fails to disclose storing the downloaded desired one of the plurality of broadcast information streams relevant to a locality in a voice messaging system associated with the calling party.

However, Fellingham teaches storing the downloaded desired one of the plurality of broadcast information streams relevant to a locality in a voice messaging system associated with the calling party (column 4, lines 14-19).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Hoffman using the voice messaging system associated with the calling party as taught by Fellingham.

This modification of the invention would offer the capability of a voice messaging system associated with the calling party so that the calling party would get the information an other time.

Response to Arguments

7. Applicant's arguments with respect to **claim(s) 1, 3-9, 19, 20, 22-30 and 32-37** have been considered but are moot in view of the new ground(s) of rejection.

Conclusion


8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (571) 272-7539. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**GERALD GAUTHIER
PATENT EXAMINER**

gg
November 11, 2005


**FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600**